

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MEMORANDUM ORDER

Pending before the Court is Defendant James L. Johnson's *pro se* "Motion in Request to Withdraw Trial Counsel Due to His Ineffective Assistance/and Request for New Sentencing and Appellate Counsel for Up Coming Sentence" (ECF No. 72). Defendant alleges a complete breakdown in the relationship and also sets forth numerous allegations against his defense counsel for alleged ineffectiveness both before and during trial. Following a hearing on the motion held August 12, 2013, we will grant Defendant's Motion and appoint new counsel for Defendant.

Although we are granting the motion we remind Mr. Johnson that a defendant who requests appointed counsel does not have an absolute right to appointed counsel of his own choosing. Siers v. Ryan, 773 F.2d 37, 44 (3rd Cir. 1985), citing Davis v. Stamler, 650 F.2d 477, 479-80 (3d Cir.1981). In addition, “there is no corollary right to have any special rapport or even confidence in the court-appointed counsel.” Id., citing Morris v. Slappy, 461 U.S. 1, 13-14 (1983). The Supreme Court explicitly “reject[ed] the claim that the Sixth Amendment guarantees a ‘meaningful relationship’ between an accused and his counsel.” Morris, 461 U.S. at 14.

AND NOW, this 13th day of August, 2013, it is hereby ORDERED, ADJUDGED, and DECREED that Defendant's *pro se* "Motion in Request to Withdraw Trial Counsel Due to His Ineffective Assistance/and Request for New Sentencing and Appellate Counsel for Up Coming Sentence" be and is hereby GRANTED.

Thomas W. Patton is withdrawn from this case as counsel for Defendant.

James H. Robinson, Jr., Esquire is hereby appointed as counsel for Defendant.

s/Maurice B. Cohill, Jr.

Maurice B. Cohill, Jr.
Senior District Court Judge

cc: James Lamont Johnson
No. 20078-068
NEOCC
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